

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR SANCHEZ-GARCIA,

Defendant.

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8:03CR505

**PRELIMINARY ORDER  
OF FORFEITURE**

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 109). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has been found guilty by a jury of his peers as to Counts I, II and III of the Second Superseding Indictment filed herein. At the conclusion of the trial, the Court found the currency described in Counts IV and V should be forfeited, pursuant to Fed. R. Crim. P. 32.2(b)(1) and 32.2(b)(2). Count I of said Second Superseding Indictment charges the Defendant with conspiracy to distribute and possess with intent to distribute methamphetamine, a violation of 21 U.S.C. § 846. Count II of said Second Superseding Indictment charges the Defendant with possessing with intent to distribute methamphetamine, a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1). Count III of said Second Superseding Indictment charges the Defendant with possession of a firearm in furtherance of a drug trafficking crime, a violation of 18 U.S.C. § 924(c)(1)(A). Counts IV and V of said Second Superseding Indictment charges the Defendant with using \$1,135.00 and \$4,571.00 in United States currency to facilitate the commission of the controlled substance violations in Counts I and II and charges said personal properties are derived

from proceeds obtained directly or indirectly as a result of the commission of the controlled substance violations in Counts I and II.

2. By virtue of said guilty verdict and the Court's ruling, the Defendant forfeits his interest in the subject property, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 109) is hereby sustained.

B. Based upon Counts IV and V of the Second Superseding Indictment, the guilty verdict and the Court's ruling, the United States Marshal for the District of Nebraska ("Marshal") is hereby authorized to seize the following-described properties: \$1,135.00 and 4,571.00 in United States

currency

C. The Defendant's interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the Marshal in his secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the Marshal forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of the Marshal's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the

subject forfeited property must file a Petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 25<sup>th</sup> day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge